

# RAMblin' On...

## REFEREES ASSOCIATION OF MICHIGAN

Since 1984



PRESIDENT, KEN RANDALL

EDITOR, DEBORAH L. MCNABB

VOLUME VII, ISSUE 3

DECEMBER 2004

### *RAM and the Meaning of Christmas*

Seasons Greetings! The RAM holiday luncheon was held on December 9 at the Common Grill in Chelsea, MI. Nineteen referees attended this event, which culminated in our December Board of Directors meeting. Everyone is invited to attend these annual outings, and everyone should try to make it to at least one RAM holiday luncheon during their tenure. The camaraderie alone is worth the drive.

The holiday season is a wonderful time for reflection. On my drive down from Midland to Chelsea I passed many billboards advertising Frankenmuth, the self-proclaimed Christmas capitol of Michigan. I also heard many radio advertisements promoting Christmas sales. And, of course, we all are bombarded with television commercials this time of year. An outsider visiting from another country would think the holiday season is some type of shopping festival, if not an actual race to spend money. And, sadly, there are many "mallers" who think Christmas is about commercialism, Santa Claus and the presents. As I drove closer to Ann Arbor, I thought of the real "Father Christmas." I remember years ago hearing Garrison Keillor talk about the true Santa Claus. Father Christmas is based on a real person, St. Nicholas. "Santa

Claus" comes from the Dutch "Sinterklass." Sinterklass was a Christian leader from Myra (in modern day Turkey). He wanted to give money to the poor without them knowing it. He would throw gold coins through open windows and walk away before being seen. His generosity has become legendary. So our modern day over-commercializing of the holiday notwithstanding, it is comforting to know that all the shopping mayhem actually has altruistic roots. So in all honesty one can say, "Yes, Virginia, there **is** a Santa Claus."

Of course, there are more fundamental meanings for the holidays and Christmas. As I arrived at the Common Grill, I walked down the stairs to our nicely decorated private room. I was the first one there. Soon Jean Dohanyos appeared. Then Mark Sherbow. Like bags of gold thrown through an open window, the room was quickly filled with referee friends from across the State. A smile crossed my face as I looked around. Gold comes in all forms, shapes and sizes. Happy Holidays to you all!

~ Ken Randall

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## Legislative Committee Year End Report

2004 saw the enactment of the so-called “FOC-II” package of bills that impacted the Support and Parenting Time Act, the Paternity Act, and a number of related laws. Provisions were enacted allowing for the possible suspension or discharge of surcharges on support arrearages; limiting the retroactivity of a child support obligation in a paternity law suit; and allowing the court to apportion confinement expenses responsibility to both parents, instead of continuing the father’s sole responsibility for the costs under former statutory and case law.

Referees in the Domestic Relations section of the Family Division (sometimes referred to, annoyingly inaccurately, in my non-humble opinion, as ‘friend of the court’ Referees) were particularly affected by the provisions of 2004 PA 210, which amends the Friend of the Court act to define *de novo* hearings, and to give the Judges some discretion and guidance on the nature and extent of the *de novo* hearing a Judge holds to review a Referee’s recommendation. Basically, the statute recognizes three kinds of valid *de novo* hearings: 1. a judicial “hearing” which is actually a consideration only of the record made before the Referee; 2. a completely new hearing, as though the Referee had conducted no proceedings, and 3. a combination of 1 and 2. On a related front, the Supreme Court published in September for comment (a couple of weeks before the statute was effective) a proposal to

amend MCR 3.215 (“Domestic Relations Referees”) both to improve the present rule, and to help facilitate the implementation of the Legislature’s intention in enacting these changes in the way review of Referees’ decisions in Domestic Relations cases. The RAM Board will be considering an Association comment on the proposals at our next Board meeting, but all members are cordially invited to make their individual comments available to the Supremes. The deadline is January 1, 2005, so get cracking!

In the Juvenile/Children’s section of the Family Division, there are a number of proposals pending right now which I believe unlikely to move before they die at the end of session this year. The same goes for all the proposals in Domestic Relations cases to change the word “custody,” to something else in all the laws that currently use the term, “custody,” to refer to what a parent has at the end of the case, over their child. (“Thrall”?) The thinking here seems to be that if the word changes, people will be less likely to behave badly. “Parenting time,” (what we now call what we used to call “visitation,” – at least some of us!) is among the nominees to replace “custody.” On a personal note, I agree that “custody” is probably as stupid a term as anything else for what the parent has as to a child at the end of the case, but I would sin-

cerely prefer that we speak thus: "The Court assigns the *parental responsibilities and duties of the parents as to the children as follows:...*" Rather than, "The Court *awards custody as follows:...*" If we want people to stop treating the kids as though they were prizes to be won, points to be earned, ways of getting revenge on the other parent, I think it might be helpful to remind them that "custody" or parental responsibility is a burden, no more to be entered into lightly than marriage (!). On the other hand, calling it "*fustody*," instead of "custody," has the dual advantage of being a different word, and it's funnier (to me, at least).

Now that the Court Rules Committee and the Legislation Committee have merged (as I understand it) all members have some reason to hope that reports like this in the future, and future *Prancing in Lansings* will be somewhat more lucid and informed, especially on Juvenile/Children measures, where I hope to put my nascent experience to work with the help of other seasoned Juvenile/Children Referees.

2005 is just a few weeks away as I write this on November 30, 2004. Happy Holidays to all Referees near and far. As Duke Ellington used to say at his concerts when he would dedicate a number to "The most Lovely Lady in the audience tonight," ... "And you know who you are." I feel that way about all of us. We know who we are; we know what kind of job we do; we know how important we are to the effort to keep the court system from being crushed under its own weight. And we are the people who know it best of all. Thank yourself for a job well done, and be certain the thanks is sincere, at least in that case, and when I join in thanking you as well.

*"In Brightest Day,  
In Blackest Night,  
No Evil Shall Escape my Sight.*

*Let Those Who Worship Evil's Might  
Beware my Power:  
Green Lantern's Light!"*

That was the incantation that the Green Lantern recited when charging his super-ring back up at its power battery (lantern). His powers had to be renewed or recharged every 24 hours, as I recall. Old G.L. was my favorite DC comics character, before I graduated to Marvel as a young teen. Sometimes I feel like Green Lantern when I go into the Room of Doom to do battle with the Forces of Darkness. That's the myth I use to explain to myself why I keep doing what I do. If it works for you, you lovely Referees, then keep your Light shining.

Interminably submitted,

**Jon Ferrier, Circuit Court Referee**

## **Addendum to Legislative Report**

**Update as of December 1, 2004**

There are 38 committee meetings. This, in spite of the fact that the legislature is scheduled to finish for the year next week. There are numerous family law and Children's law bills in play. Some highlights:

There is a good chance that the Ombudsman bill will pass in a form similar to what was reported from the Senate Committee yesterday. This is not certain, but likely. The bills to change "custody" to "parental responsibility" are still in play. This Family Law Section is hoping to stop them, but the sponsor is persistent. The Section has opposed the bills as written but has offered to work on the concept—with extensive work groups to work through all of the implications. There are several child support collection/punishment bills pushed by the A.G. which will probably pass, along with the Lipsesey amnesty bill. Also, there are still ongoing discussions on the grandparent visitation legislation.

## CONFERENCE COMMITTEE REPORT

Great news from Mark Sherbow, coordinator of our seminar speakers! We will have a motivational speaker from the National Council of Juvenile and Family Court Judges on Wednesday afternoon to start us off on a positive note. Then Thursday morning will feature State Bar President Nancy Diehl and a tandem break-out session for Juvenile Court referees and Domestic Relations referees to address thorny issues and best practice pointers. ***Please notify Mark or Jean immediately if you have a particular topic of interest which you would like Nancy Diehl to tackle; also, if you have been "in the trenches" for a while and would like to serve as a moderator for one of the break-out sessions, tell Mark or Jean ASAP.*** On Thursday afternoon, Dan Wright will discuss various topics, especially the Supreme Court proposal to make family court a "mediation"-type organization; ***your feedback on this proposal will be extremely important.*** Justice Clifford W. Taylor will join us Thursday evening and hopes to have dinner with the Executive Board, and he will address the membership Friday morning. We will end with a group breakfast and awards presentation, brief Executive Board meeting, and words of wisdom from the new Chief Justice. Look for more details in our next edition of RAMblin' On - you won't want to miss this opportunity to network with your colleagues and refresh yourself on the Jewel of Lake Huron, Mackinac Island! Submitted by **Jean L. Dohanyos**

## TECHNOLOGY COMMITTEE REPORT

The Technology Committee of the RAM Board is working hard to develop a RAM web site. It is our intention that it will have it's own chat room or listserv and an archive of *Ramblin' On*. The archive would have search capabilities. Serious work will begin in January 2005 with hopes that it will be up and running in time for registration for the May conference. In the meantime, our current listserv though underutilized, continues to operate. We will keep you updated either through *Ramblin' On* or the RAM listserv. Submitted by **Paul Jacokes**

## AWARDS COMMITTEE REPORT

The Awards Committee successfully had a virtual meeting and developed criteria for awards. These include: Awards for Membership at each of these intervals 5, 10, 15, and 20 years (Paper, Bronze, Silver and Gold); Presidential Service Award—nominated by the President for special services and commitment to the organization; RAM Contribution Award—Selected by the Committee for outstanding contributions to RAM and its activities; Outstanding Recognition Award—Selected by Committee for service to the profession and RAM; and Board Member Award—Service on the Board of Directors for RAM. The Committee also revised the membership application. Submitted by **Kathleen Oemke**

## COURT RULE COMMITTEE REPORT

Changes are coming for the referees. please read the proposed MCR 3.215 that was published by the Supreme Court. All written comments are due by January 1, 2005. Public hearing dates will be set thereafter. It is important for RAM to receive feedback on this proposed court rule. The Michigan Judges Association have some recommendations as well and RAM is hoping to meet with representatives of the MJA to try and get some agreed upon language to suggest to the Supreme Court.

Submitted by **Mark Sherbow**

# Custody Pendulum Swinging

There has been much recent publicity about Michigan fathers who are seeking to create a legal presumption of joint physical custody in divorce cases. According to a *Detroit News* article published on October 31, 2004, a federal class action lawsuit has been filed against the State of Michigan alleging that Michigan's family courts have violated fathers' civil rights by systematically awarding custody to mothers. The litigants contend that the court system has created a "fatherless society" by reducing fathers to mere visitor status by using blueprinted parenting policies (traditionally limiting parenting time to every other weekend, holidays, etc.). The Michigan lawsuit parallels similar lawsuits in 43 other states, as well as in Canada and Europe.

Though it was not the intent of the story, the *Detroit News* article shows there is already a trend toward joint physical custody in the courts. In 1998, 18.06% of cases resulted in joint physical custody. That number jumped to 23.44% in 2002. Also in 2002, fathers received sole physical custody in 10.22% of the cases. Consequently, in 2002, under the present system, Michigan fathers received either joint or sole physical custody 33.66% of the time.

Of course, the big question is what percentage of fathers actually bother to ask for joint or sole physical custody? My experience as a Friend of the Court/Family Division Referee is that when fathers ask for custody, they usually get it (over 50% of the time). Assuming Midland County is similar to other counties, one has to ask, is there really a problem that needs fixing?

The pending class action lawsuit in Michigan will likely fail for various reasons. Attorney Mike Cox is seeking to dismiss the case on jurisdictional grounds. But whether or not the suit actually succeeds perhaps isn't the point. Perhaps the intent of filing such an action is that we (and I mean the *big* we—as in society, not just legal circles) are now discussing the importance of fathers. Such discussions are becoming increasingly omnipresent as a social phenomenon. Class action lawsuits only increase the level of debate.

Fathers' rights groups have long trumpeted the importance of fathers to children. One of the more respected groups is The Fatherhood Initiative, founded by Wade Horn. This group has effectively waged a national awareness campaign by use of radio and television public service announcements. The PSAs convey a message, backed by social science, that fathers are important in instilling discipline and boundaries to children. Studies also indicate that children who are not exposed to a father or a father figure are more likely to use drugs, become pregnant, go to prison, and not obtain an adequate level of education. A demonstration of how mainstream the discussion regarding the importance of fathers has become is that President George W. Bush appointed Wade Horn to an assistant cabinet post in Health and Human Services.

It is interesting to note that throughout most of American history, men have traditionally received custody of children. Mothers getting custody was really a phenomenon that developed in the last 3/4 of the 20th century. That phenomenon is likely to wane to something more equal in the 21st century. Social trends and perceived inequities sway policy back and forth like a pendulum. The custody pendulum continues to swing, but now seems to be swinging back to the middle.

**Ken Randall**

# CONFERENCE CORNER

Get away to beautiful Mackinac Island in

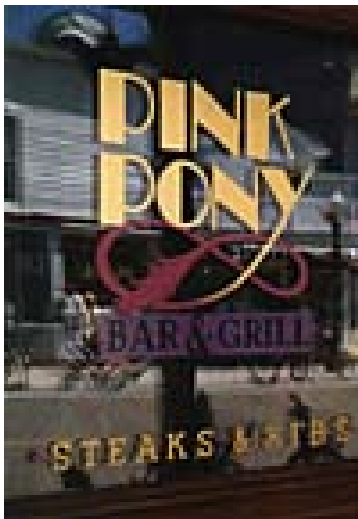
*Register Now! Join us for RAM's  
21st Annual Conference at  
the historic CHIPPEWA HOTEL on  
MACKINAC ISLAND  
Wednesday May 18– Friday May 20*

May 2005! SAVE THE DATES, DO NOT SCHEDULE HEARINGS, AND SET ASIDE A LITTLE SPENDING MONEY to enjoy our spectacular three-day training seminar!

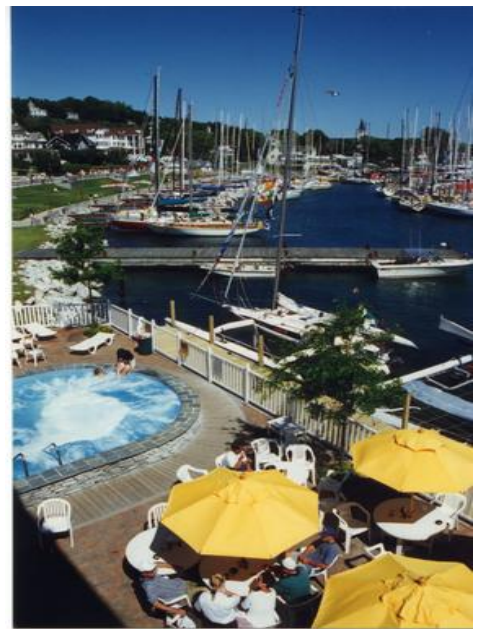
Finally, pull out the indoor putting equipment and practice up – Art Spears is counting on a great turn-out for the 3rd Annual Phil Ingraham Memorial Golf Scramble on May 19<sup>h</sup>! No golf experience required (or need be admitted to); in fact, that might turn out to be an advantage!

Come join your referee colleagues for an inspirational, educational, and entertaining get-away on Mackinac

Island – see you there!



Check out [www.chippewahotel.com](http://www.chippewahotel.com) and [www.lilactree.com](http://www.lilactree.com)



# RAM Conference 2005

## Tuesday, May 17, 2005

Overnight if needed at Days Inn, Gaylord (\$49.00 rate)

## Wednesday, May 18, 2005

Early arrival	Carriage tour if so inclined (\$14.75 adult/\$7.50 child)
11:30 or 12:30	Depart from Mackinaw City or from St. Ignace via Arnold Ferry
12:15 or 1:15	Arrive at the Chippewa Hotel (\$95.51/night) , deposit luggage Early check-in if available; guaranteed room check-in by 3 pm Complementary box of fudge in each room
12:00 to 1:45	<b>Registration</b> at the Chippewa Hotel lobby Conference packets distributed to RAM members Scavenger hunt begins (if we have at least 15-20 kids coming)
2:00 to 5:00	<b>Norman S. Early , Jr. Former District Attorney for the City of Denver, Colorado National Council of Juvenile and Family Court Judges, Motivational Speaker</b> (Mr. Early's Vitae is included in this issue of RAMblin' On) Lilac Tree conference room
5:00 to 7:00	Rest, refresh, revitalize at the Hospitality Suite facing the harbor
7:00 to 8:30	Group dinner at the Chippewa Hotel Harborview Dining Room Buffet (carved prime rib/fresh whitefish/chicken salta bucca with salad served tableside, fresh vegetables, garlic mashed potatoes, dessert such as a key lime pie)
After 8:30	Hospitality suite, Pink Pony, hot tub, strolling/shopping

## Thursday, May 19, 2005

8:00	Breakfast on your own
9:00 to 10:15	<b>State Bar President, Nancy Diehl</b>
10:00ish	Fort tour for significant others/kids (\$7.75 adult/\$4.50 child)
10:30 to 11:30	<b>Tandem Break-out Sessions:</b> <b>Best Practices for Juvenile Referees</b> <b>Best Practices for Domestic Relations Referees</b> Lilac Tree Conference Room
11:30 to 1:00	Lunch on your own
1:15	Announcements at the Lilac Tree conference room
1:30 to 3:00	<b>Dan Wright, Michigan Supreme Court , on various topics of interest, including a proposal to Make the Family Division a “Mediation” Organization</b> Lilac Tree Conference Room
3:30 to 6:00	<b>Roundtable Discussion</b> Putt-Putt at Mission Point for kids (\$3.00) Bike rides (\$7.00/hour for mountain bike rental) Scavenger Hunt continues
6:00	Complimentary hay ride provided by the Chippewa Hotel
After 6:00	Dinner on your own
8:00 pm	Scavenger Hunt ends with brief program at the Hospitality Suite
After 8:00	Pink Pony with live entertainment, suite, shopping/strolling

## Friday, May 20, 2005

9:00 to 10:00	<b>Breakfast Board Meeting at the Chippewa Harbor View</b>
10:00 to 10:30	Check-out
10:00ish	Butterfly House tour for significant others/kids
10:30 to 12 noon	<b>Justice Clifford Taylor, Michigan Supreme Court</b> Lilac Tree Conference Room
12 noon	Conference concludes

\*\*\*\**Special room rates will continue for the weekend following the conference*\*\*\*\*



**REFEREES' ASSOCIATION OF MICHIGAN**  
**21st Spring Training Conference**  
**May 18 - May 20, 2005**

Thank you for choosing the Chippewa Hotel for the 2005 Referees' Association of Michigan Convention on Mackinac Island. To confirm your reservation with us, we are asking that you please fill out this form and return it to us.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Day Time Phone Number: \_\_\_\_\_

Number of Persons staying in room: \_\_\_\_\_ Adults \_\_\_\_\_ Children

Number of nights you will be staying: \_\_\_\_\_

Arrival Date: \_\_\_\_\_ Departure Date: \_\_\_\_\_

\_\_\_\_ Main Street Room (standard room overlooking Main Street - 2 adults only) \$85.00

\_\_\_\_ Harbor View Suite (all suites overlook the Marina) (may accommodate four adults) \$135.00

The rates are based on double occupancy, please add 6% State Tax and 8% Hotel Levy. There is no charge for children 17 years and younger. **Extra adults or roll-a-ways will be charged \$20.00 each per night.**

To confirm your room, we require a deposit equal to one night of your stay, which will be applied to your final night's stay. We accept Visa, Master Card, Discover, American Express, personal checks or money orders.

Credit Card Number: \_\_\_\_\_ Expiration date: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Signature: \_\_\_\_\_

**Cancellation Policy:**

Your deposit will be refunded if you cancel or make any changes **at least 14 days prior** to your arrival.

Please mail to:

Or fax to:

The Chippewa Hotel

(906) 847-6416

P.O. Box 250

Mackinac Island, MI 49757

**\*\*PLEASE DO NOT CALL YOUR RESERVATION IN OVER THE PHONE.\*\***

We confirm rooms on a first-come/first-serve basis, so please send this reservation form back as soon as possible. Thank you for choosing the Chippewa Hotel Waterfront on Mackinac Island. We look Forward to hosting you.

**Reservations must be made by April 15, 2005**

# *R.A.M. 2005 Spring Training Conference*

## *Registration Form*

Please detach or copy and return THIS form with your CHECK MADE PAYABLE TO R.A.M. to:  
Referee Paul Jacokes, Macomb County Circuit Court, 40 North Main, Mt. Clemens, MI 48043-8606

**DO NOT SEND THIS FORM TO THE HOTEL!**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Court & County: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

**CONFERENCE FEE:** Please **circle** the chosen option(s)/fees below for the amount you enclose  
with this form.

**Members : \$100** (includes registration, materials, group dinner, and group breakfast)

After April 15th- **\$125**

**Non-members: \$125** (includes membership, registration, materials, group dinner, and group breakfast)

After April 15th - **\$150**

**Per diem rate:** (excludes meals) for: \_\_\_\_\_Wednesday \_\_\_\_\_ Thursday \_\_\_\_\_ Friday

Members - **\$50/day** after April 15th - **\$60/day** ; Non-members - **\$60/day** after April 15th - **\$70/day**

**Guest Meals :** Wednesday Guest group dinner(s) - **\$30** each

Friday Guest group breakfast(s) - **\$15** each

Registration fee enclosed: \_\_\_\_\_

Guest meal(s): \_\_\_\_\_

**TOTAL ENCLOSED:** \_\_\_\_\_

## NORMAN S. EARLY, JR.

Norm Early is the former Denver District Attorney who came up through the ranks of that office. He is now a principal in LE Investigators which assists companies experiencing shrinkage due to theft, drugs and workplace violence and also a principal in MarkeTouch Media, which specializes in live and mass computerized telephone calls and BounceBack which outsources "bad" check programs for prosecutors. He writes children's books and speaks nationally on children's issues as well as issues related to victims of crime, trial tactics, diversity and work force enhancement. Additionally, he serves as special counsel to Welborn Sullivan Meck & Tooley, P.C., a Denver law firm.

In January 1983, Mr. Early became Denver's district attorney. He was elected district attorney in November 1984 and reelected in November 1988 and 1992. Prior to becoming district attorney he served for 10 years as chief deputy district attorney. As chief deputy, he had supervisory responsibility over a felony courtroom and personally tried 12 to 15 cases per year, ranging from fraud to murder. He developed a no-nonsense reputation while being compassionate to victims of crime. In addition, Mr. Early was the developer of the District Attorney's Victim/Witness Assistance Program, the Drug Education Program, the drinking and driving program called It's Not Worth It, and others. In June 1993, Mr. Early resigned as Denver's District Attorney in order to become a Senior Vice President of Lockheed Martin IMS, a position which he held until May 1997.

Mr. Early moved to Denver in 1970 to take a position as a Reginald Heber Smith Community Lawyer Fellow with the Denver Legal Aid Society. In 1973 he left the Legal Aid Society to become a chief deputy district attorney in the Denver D.A.'s office. For a short while, he worked part-time as a radio interviewer for KDEN radio. He is a legal analyst for MSNBC and has appeared on national evening television programs such as "Rivera Live," "Internight," "Cochran & Company," "Brian Williams with the News," "Court TV," "Crossfire," and "Feedback."

During his career, Mr. Early has been the recipient of a number of awards for his contributions to the community and the criminal justice system. Among them are The National Black Prosecutors Distinguished Service Award (1986), The United States Department of Justice Award for Outstanding Service on Behalf of Victims of Crime (1987), the Distinguished Faculty Award of the National College of District Attorneys (1980), Kops 'n Kids Leadership Award (1988), the Kempe Center Award for his work in the field of child abuse prevention (1988), the 1988 Lubavitch Shem Tov Award, the 1988 Award of Appreciation from the King Baptist Church for his work with Colorado's youth, Civil Rights Award from the Anti-Defamation League (1990), Ending Violence Effectively Award of Outstanding Contributions to survivors of sexual abuse (1990), Mile High Council on Alcoholism and Drug Abuse Award for Outstanding Service to the Community (1990), Life Achievement Award from the National Organization for Victim Assistance (1991), the I Have a Dream Award for his work with youth, and his contribution to education in the Denver community (1992), the first recipient of the Norman S. Early, Jr. Award given every year in his honor (1992), the Enrique Camarena Award presented by the Colorado Red Ribbon Campaign and the Colorado Division of the Drug Enforcement Administration for outstanding contributions toward drug abuse reduction (1992), the Government Leadership Award presented by the National Commission Against Drunk Driving in Washington, D.C. (1992), the first recipient of The Norman S. Early, Jr. Founder's Award named in honor of Mr. Early by the National Black Prosecutors Association (1994), The Children's Champion Award by the Colorado Association for the Education of Young Children (1997), and the Dale Tooley Democrat of the Year Award by the Denver Democratic Party (1997).

Mr. Early is the founder and first president of the National Black Prosecutors Association. He is the former president of the Colorado District Attorney's Council. He has served as president of the board of the National Organization for Victim Assistance and a member of the board of the National District Attorney's Association. He is a founding member of the Sam Cary Bar Association, and sits on the boards of Crimestoppers, Make-a-Wish Foundation of Colorado, Pretrial Services Resource Center, Fight Crime Invest in Kids, Open Door Youth Gang Alternatives, University of Illinois, College of Law (Board past President), the Metropolitan Football Stadium District and the Civil Service Review Board.

His recreational pursuits include skiing and golf. He is a member of the Sippers and Sliders Ski Club and the Mile Hi Sandbaggers Golf Club.

Mr. Early, originally from Washington, D.C., holds a bachelor of arts degree in government from The American University. He then earned his law degree from the University of Illinois, College of Law, at Champaign-Urbana. Mr. Early is married to Adriana Scott Early, and has two sons - Norman Ali and Kendall Turner.

# RAM AWARDS

Jean Dohanyos received an award at the September 16, 2004 meeting of the Board of Directors at the State Bar Building in Lansing, Michigan. Jean was recognized for her service as both RAM Recording Secretary as well as Conference Chairperson. Whether it was the gourmet meals, RAM mints, or fudge on our pillowcases (not to mention great speakers and handouts), Jean's fine attention to detail was apparent to anyone who attended our 2004 Conference on Mackinac Island. Jean's award came in the form of a green marble penholder and pen with an engraved nameplate. Thank you Jean!



On November 17, 2004, two additional RAM awards were presented at the Michigan Judicial Institute Conference at the Hall of Justice Building in Lansing. RAM President Ken Randall took advantage of the opportunity of the occasion to present plaques to Deb McNabb and David Elias at an impromptu ceremony.

Deb McNabb was presented with the Presidential Service Award in recognition of her two-year term as RAM's President. Under Deb's leadership, RAM's newsletter, *Ramblin' On*, was upgraded to a true publication. Also during Deb's presidential tenure, RAM received a special tribute from the Michigan State Legislature and Gov. Jennifer Granholm declared May as "Referee Appreciation Month."



David Elias received the RAM Service Award in recognition of his ten years continuous service as RAM's Treasurer. David "retired" from his post in May.



Both Deb and David received well-earned applause from an appreciative crowd of approximately 75 referees.

**Ken Randall**

# RAM'S PHOTO ALBUM

## RAM HOLIDAY PARTY



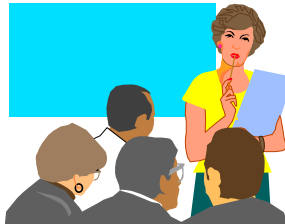
## Referee Input Requested!

To make our conference meaningful, we are asking you to send answers to the following questions to

Jean Dohanyos at [dohanyosi@co.oakland.mi.us](mailto:dohanyosi@co.oakland.mi.us) :

1. What is the most vexing procedural problem you confront on a regular basis?
2. Regarding this problem, please pass along any creative solution(s) you know of - or any solution you have attempted but has not worked well and speculate why.
3. What is the most troublesome organizational issue you must deal with on a regular basis?
4. Regarding this issue, please pass along any improvement(s)/coping mechanism(s) you have developed - or something you have tried but did not really succeed and speculate why.

### GET INVOLVED! ATTEND ONE OR ALL OF RAM'S UPCOMING BOARD MEETINGS



**Thursday, February 17, 2005, 10:00 a.m.**  
**State Bar Building, Lansing**

**Thursday, April 14, 2005, 10:00 a.m.**  
**State Bar Building, Lansing**

**Friday, May 20, 2005, 9:00 a.m.**  
**Chippewa Hotel, Mackinac Island**

**Thursday, July 21, 2005 10:00 a.m.**  
**State Bar Building, Lansing**

***MEMBER NOTES***

Welcome to our newest member, **Rachel Roth**, of Washtenaw County!

Congratulations to **William H. Newhouse**, who was recently selected as Executive Director of the Children’s Charter!

Congratulations also to **Frank Csokasy**, of Macomb County who will be retiring in January after 30 years of service!

**SHARE YOUR TRIUMPHS!**

Please e-mail personal and professional announcements to:

[deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org)



**Join Our Listserv!**

If you are not already a member, please consider joining the RAM Listserv. Its purpose is to provide a confidential forum for our members to discuss issues relevant to Michigan referees. This listserv is private and limited to member referees. It is secure from the eyes of non-referees (except, of course, the IT department of your County!). Only those persons who are current members of RAM and who have been approved by the list moderator may participate in the listserv. I encourage you to take advantage of this valuable new resource today! Just send an email to [pjacokessr@yahoo.com](mailto:pjacokessr@yahoo.com) for instructions on how to join!

*Past Presidents of the Referees Association of Michigan*

Wayne Kristal, Jon Ferrier, Ronald Foon, Marie Johnson, Hon. Linda Hallmark, Wendlyn Machnik, Karen Liwienski, Vincent Welicka, Philip Ingraham, Zaira Maio, Mark D. Sherbow, Deborah L. McNabb

# Referee Shirts for SALE!

Referee: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

e-mail \_\_\_\_\_



## *Short sleeve golf shirt*

**\$16.43 (\$15.50 plus tax) including S & H: \$21.78**

Ladies S \_\_\_ M \_\_\_ L \_\_\_ XL \_\_\_

Men M \_\_\_ L \_\_\_ XL \_\_\_ XXL \_\_\_

Color \_\_\_\_\_



## *Long Sleeve Denim*

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**REFEREES ASSOCIATION OF MICHIGAN**  
**Minutes of the November 18, 2004 Executive Board Meeting**  
The State Bar Building in Lansing, Michigan

**Call to order:** 10:05 am by President Ken Randall, looking leaderly as ever despite severe sleep deprivation.

**Board members present:** Dohanyos, Ferrier, Jacokes, Magley, McNabb, Randall, Sherbow, Spears.

**Board members absent:** Hartford, and Oemke (minor surgery).

**Cameo appearance by:** Patti Schafer, Administrative Assistant for Affinity/Local/Special Purpose Bars – State Bar (replacing Anne Smith, same extension: 6339).

**Corrections to prior minutes:** Well, the Recording Secretary was so delighted to post the September minutes on the RAM listserv that she completely forgot to bring any extra hard copies with her. So folks were urged to review the prior e-mail and contact Jean with any further corrections. From memory (why does that not surprise us?), Mr. Ferrier moved that the September 16, 2004 minutes be approved as written; seconded by Mr. Spears; passed without objection.

**Announcements:** Mr. Randall continues to look for ideas for the upcoming year – he can be reached via e-mail at [kdrandall@aol.com](mailto:kdrandall@aol.com) and has information on the Child Support Guideline Commission Design Committee if anyone would like to learn more about it. We would also like to wish Kathy Oemke a speedy recovery from her foot surgery and look forward to seeing her at the December meeting. And editors of the circuit court-family division legal world, unite! Deb McNabb is requesting **HELP** in the publication of RAMblin' On – please contact her at [deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org) to volunteer your time and talents; we are immensely proud of Deb's work and hope that there are some members out there who would like to support her in this stellar endeavor. **ALL COMMITTEE CHAIRPERSONS, President Randall wishes you to submit a Committee Report to Deb each quarter to be included in our newsletter. The next deadline will be Wednesday, December 1<sup>st</sup> for anticipated publication date December 15<sup>th</sup> (or so).**

**Upcoming board meetings:** Please mark these important dates in your calendars :

12-09-04 12:00 pm Common Grill, Chelsea – HOLIDAY LUNCHEON

02-17-05 10:00 am State Bar Building – NOTE TIME CHANGE!

04-14-05 10:00 am State Bar Building – NOTE TIME CHANGE!

05-20-05 09:00 am Chippewa Hotel, Mackinac Island – ANNUAL CONF.

07-21-05 10:00 am State Bar Building – NOTE NEW MEETING DATE!

Every member is encouraged to attend – we welcome your valuable input!

**Correspondence:** None.

**Financial report:** Mr. Jacokes submitted a written Treasurer's Report dated November 18, 2004 indicating a beginning balance of \$13,288.52, with four checks written totaling \$276.47, with a deposit of \$25.00, and a closing balance of \$13,037.05. **RAM wishes to welcome new member, Rachel Roth, of Washtenaw County Friend of the Court!** Mr. J then provided those present with hard copies of the New, Improved, and Completely Current RAM Directory (reflecting many hours spent on Veterans' Day to repair, replace, and reintegrate the old directory which was in a mish-mash muddle

of disjointed computer files, due mostly to the Recording Secretary's woefully inadequate wanderings on the worldwide web – and elsewhere); readers are encouraged to review a prior listserv e-mail to download their own hard copies. Ms. Magley then seamlessly transitioned to the issue of omitted members; according to Mr. Jacokes' records, **Suzanne Bolton, Ilene Fruitman, and Lynn Sippola** appear to have been mistakenly omitted from our roster. We apologize for our faulty record-keeping and ask any other referee who has been left off the current list to notify Erin or Paul immediately so we can correct our records. Ms. Magley will continue her search for referee MIA's and will report with further details as they develop. Ms. Dohanyos seized the moment to move to accept the Treasurer's Report, seconded by Mr. Sherbow, passed without exception. Mr. Jacokes will be sending out a dues notification by snail mail in January, in case you miss the reminder in our next edition of RAMblin' On.

### **Standing committee reports:**

Annual Conference – Leap-frogged over momentarily, so that the President could turn our attention to the newly combined Legislative/Law & Court Rule Advancement Committee update.

Legislative/Law & Court Rule Advancement – Our Fearless Leader took this opportunity to **compliment Jon Ferrier for the superb job he did in making a presentation at the Michigan Judicial Institute Family Division Referees Seminar the day prior** to our meeting. Jon, humble as ever, expressed his thanks and then deferred the report to Mark Sherbow. Mr. S came with handouts galore (four to be precise), and he began to address the concerns of the Domestic Relations Court Rule Committee regarding MCR 3.215 changes. Mark serves upon the 3.215 sub-committee and the mediation sub-committee, both of which report to the larger committee, and he assembled reinforcements from RAM to provide guidance and input to him which he can then pass along. So, a RAM work group of Mr. S, Mr. F, Helen Hartford, and Marie Johnson (Ivy Arbuckle was apparently unavailable at the time) met on 10-28-04 and came up with twelve recommended changes to the proposed court rule which Mark intends to present to the larger committee (Mr. Ferrier suggested that recommendation #10 be deleted – ie, the recommendation to strike 3.215(E)(7) as being in conflict with Harvey v Harvey). Unhappily, while 3.215 had been under deliberation in the committee/sub-committee, the proposed amendment was published for comment subsequent to the passage of 4776 (now 2004 Public Act 210 regarding the redefinition of “de novo” hearings/interim effect of a referee's recommended order pending hearing). Chief Justice Maura Corrigan appears to desire amendment of the court rule, but Mr. S has written to the Supreme Court to request that 3.215 be sent back down to the committee for further deliberation at the sub-committee level. The didactic diametrics appear to be that representatives of the SCAO see the domestic relations referee function as more mediation-oriented and ideally needing less legal authority, whereas the referees who actually conduct the hearings involving less-than-perfect people struggling to resolve real-life conflict (*without* resorting to commission of great bodily injury and/or homicide, that is) recognize that decision-making authority is necessary and expeditious use of it helps families. Boiled down to its hardened nub, the point is that a social work philosophical rubric does not work in practice in the domestic relations courtroom. Doug Van Epps and Tim Cole have been advocating for change, which Mark has contended is not actually necessary; Mr. Ferrier added that no change to 3.215 is required, now that a temporary order per MCR 3.207 can serve as an “interim” order. If the matter returns to the committee/sub-committee, Mr. Sherbow will move to strike all recommended changes and leave 3.215 as currently written. Mark is also asking that RAM nominate two additional Juvenile Court referees and one additional Domestic Relations referee to serve on the SCAO committee; names bruited about included Erin Magley, Arthur Spears, Kathy Oemke (Mr. Randall pledged to discuss this further with her), and **William R. Klein** of Berrien County. ***If you would like to serve on the committee/sub-committee, please contact Mark Sherbow or Cynthia J. Sherburn, Wayne County Family Division Legal Counsel*** (her e-mail address is [cynthia.sherburn@3cc.co.wayne.mi.us](mailto:cynthia.sherburn@3cc.co.wayne.mi.us)). Two of Mr. S' handouts also explored the varying types of conciliation and mediation and, in Mark's analysis, seem to over-

structure/micro-manage the role of the dom/rel referee; for copies, please contact him. Oakland County is conducting a pilot program of some sort, and there may be a push to send all parenting time disputes to mediation; the danger is that cases may wind up being mediated by mediators who have no background in family law. Mr. S continued with his report, indicating that an ADR mediation meeting will take place on November 22<sup>nd</sup>, and Ms. Magley stated a desire to participate by telephone link-up. Mr. Ferrier offered to draft a letter regarding the RAM work group's twelve recommended changes, so that it can be discussed at the December Executive Board meeting, but Mr. Jacokes suggested that Mr. Sherbow post the e-mail on the listserv so RAM members could review it first before consideration on December 9<sup>th</sup>. Look for further details to appear in your e-mailboxes or in the next issue of RAMblin' On. **Please note that at least one circuit court judge, the Hon. Kathleen A. Feeney of Kent County, is extremely interested in referee input regarding the issue of entry of proposed orders recommended by domestic relations referees.**

Annual Conference – Now, back to the conference report. Jean Dohanyos had nothing to report. (Well, nothing that needed discussion at the meeting, I mean. The Chippewa Hotel had forwarded quite a few brochures and room reservation forms, and one of the forms was subsequently mailed to Ms. McNabb for inclusion in RAMblin' On. Jean signed the contract for 2005 and sent that in with the \$100 deposit; she is still awaiting news as to whether or not a complimentary hay ride will be offered as part of the 2005 package. All other details, such as complimentary fudge in each room and hospitality suite complimentary hors d'oeuvres and the ability to bring our own hospitality into the suite, remain the same as last year.) Mark Sherbow had various things to report, specifically, that he had been in contact with Mary Scott of the National Council of Juvenile and Family Court Judges and she will obtain a motivational speaker for Wednesday afternoon. State Bar President Nancy Diehl will speak on Thursday morning (for no speaker fee) and has asked RAM to provide her with suggestions as to appropriate topics; Dan Wright (also for no fee) will address miscellaneous topics and a Supreme Court proposal to make the family division a “mediation”-type organization. Mark asked if Jon Ferrier would be willing to do a State of the Law update for Friday morning, to which Mr. Ferrier did kindly consent, but Jean urged that we consider adding a judge to the Friday morning time slot so that attendees would be able to convince administrative bean-counters they should pay for the referee's attendance at all three days of the conference. Mr. Randall renewed his agreement to contact Court of Appeals Judge Fitzgerald, and Mr. F suggested Judge Whitbeck as a possible speaker. Mr. S agreed to look into the matter to augment our speakers' roster. Ms. Magley requested that the conference include a roundtable discussion of the child support guidelines, and this inquiry led to a consensus that we should include two “ask the experts” break-out sessions Thursday morning, one for Juvenile Court referees and the other for Domestic Relations referees and feature our own attendees as moderators. Our President repeated his heartfelt desire that the conference materials include a RAM pen and a tote bag of some sort for each participant, and Mark and Jean are charged with the responsibility to report back on the cost of gift items at the next board meeting. (Ms. D had provided an earlier handout regarding such things at the September meeting, and Ms. M declared her partiality to the umbrella whereas Mr. J liked the tote bags he had “seen” via the Internet listings.) Mr. Randall's question as to the possibility of a printed conference booklet was immediately squelched by Ms. D who, in an oddly uncharacteristic act of frugality, indicated that our organization/our attendees could not afford the printing costs and would have to make do with photocopies instead.

### **Special committee reports:**

Technology – Paul Jacokes stated that his nephew Dan “is a real computer whiz” who can set up a RAM web-site for us for \$350 to \$400. Our President has a dream, and it includes a web-site with a listserv and archived copies of RAMblin' On and access portals to the Executive Board and all that jazz

(my words, actually, not his). Ms. McNabb asked what the ongoing service charge would be. Mr. J moved to receive permission from RAM to spend up to \$500 to establish a web-site, seconded by Mr. Sherbow; discussion followed, and concern was expressed regarding a commitment to an as yet unidentified amount of ongoing expense. Ms. Magley then moved to table the motion until Paul could provide us with further details at the next board meeting; seconded by Mr. Ferrier, and passed unanimously. It was noted that Mr. Jacokes' response to the rapid-fire requests to dent the RAM coffers was dramatically different from that of his predecessor – Paul hadn't even broken a sweat yet.

Awards – As Kathy Oemke was not present, Ms. Dohanyos spoke on her behalf. Ms. O has met over the ether with Ms. D and Mr. Jacokes and is in the process of fine-tuning a wonderful proposal for annual awards. Highlights include automatic awards for RAM membership at 5/10/15/20 years (paper, bronze, silver, gold); a Presidential Service Award selected by the sitting President given to any worthy individual (need not be a RAM member or even a referee) who has provided special services to RAM or demonstrated an exceptional commitment to our organization; a RAM Contribution Award selected by the Awards Committee for outstanding contributions to RAM and its activities; and a top honors Outstanding Recognition Award selected by the Awards Committee and the sitting President to showcase superlative service to the profession and to RAM. Finally, Executive Board members would automatically receive service awards for 2/4/6/8/10-plus years of elected service. Ms. O has drafted a more detailed RAM membership application form which will enable the Awards Committee and the President to spot individuals meriting recognition and identify the name of the referee's law school for publicity purposes. Mr. Ferrier suggested that RAM might wish to advertise in the Bar Journal or Lawyers Weekly to solicit nominations for the Presidential Service Award.

Membership – Erin Magley has contacted a number of people on her list of former/potential RAM members and is awaiting responses from them. One former member declined to renew because that person received “too many e-mails” on the RAM listserv. **Once again, if you discover you have been omitted from our membership directory, contact Erin ASAP.**

Scholarship – It was with a certain amount of shock that Mark Sherbow discovered everyone thought he was still the chairperson of this committee. He was adamant that his recollection was that a new board member has assumed the reins, so he had taken no further action on the creation of the Phil Ingraham Memorial Scholarship application process. Mr. S will provide a new committee chairperson at the next Executive Board meeting.

State Bar Family Law Section liaison – Jon Ferrier reported that the Section meets once a month on Saturdays and alternates between Lansing and Novi. Mr. F is willing to attend the Lansing meetings on behalf of RAM; but he is asking if another referee, possibly **Traci L. Rink**, might be willing to go to the Novi meetings. Jon will contact **Barbara J. Kelly** to see if she is willing to continue to serve as the Section liaison to RAM.

State Bar Judicial & Professional Ethics Committee/Sub-committee on Judicial Ethics – And now for the most disappointing news of the entire meeting. Jon Ferrier indicated that he and **Daniel J. Loomis** had served faithfully on this sub-committee (Jon finding the subject matter of particular interest), and Dan as an associate member had even authored one of the opinions generated; nevertheless, the State Bar has decreed that stream-lining requires a 15-member cap on all State Bar committees, and the sub-committee's membership of approximately 40 (about ½ to 2/3 judicial officers and the rest lawyers) has been pared down accordingly. *If you can believe it, the RAM slot has been eliminated from this sub-committee – so Jon and Dan are history. At this point.* All in attendance were aghast.

Sputtering, the Recording Secretary moved that our President write to Nancy Diehl to request the following clarification and action: If no referee currently serves with the 15 remaining members, then RAM is requesting that the State Bar President appoint a referee at this time and further recommend that Jon Ferrier and/or Daniel Loomis be considered for such appointment. The motion was seconded by Deb McNabb and passed unanimously.

RAMblin'On – Mr. Randall complimented Deb McNabb's efforts and described the quarterly newsletter as a "very important tool to keep us together." Ms. McN reasserted her need for assistance with the project and her disappointment thus far over the lack of volunteers. "The silence has been deafening," quoth she. Mr. Ferrier encouraged Deb to obtain guest articles from such persons as Nancy Diehl, judges, or such sources as the Judicial Conduct Reporter. Ms. McN then requested Jon's assistance with the resumption of an "Ethics Corner" column, which he agreed to do.

**Unfinished business:** Ms. Dohanyos **NEEDS HELP** to determine and publicize how many hearings referees conduct in the Family Division each year, out of the total number held, and use this information to bolster continuing requests for/publicity about the month of May being Referee Appreciation Month. **Please contact Jean if you are willing to get statistical data from the FOC, SCAO, and any other reliable source(s) you can think of.** Ideally, this information can be featured in the Annual Conference materials which will help answer Jon Ferrier's question, "What's the point of doing this work for 25 years, anyway?"

**New business:**

Ms. Dohanyos is still soliciting suggestions for improvements/additions to SCAO Juvenile Court forms; please contact her immediately at [dohanyosi@co.oakland.mi.us](mailto:dohanyosi@co.oakland.mi.us) so that information can be brought to the attention of the SCAO committee, meeting next on January 24, 2005 at 10 am in Lansing.

The meeting adjourned at 12:07 pm, per Mr. Jacoke's motion/Ms. Magley's 2<sup>nd</sup>/everyone's assent.

Handouts: Agenda, Treasurer's Report, RAM Member Directory, Sherbow set of four regarding MCR 3.215 proposed changes/conciliation/mediation, and new RAM stationery and envelopes obtained by the Recording Secretary.

Respectfully submitted by **Jean L. Dohanyos, Recording Secretary**

Parting thoughts: "Democracy ... a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike." Plato, *The Republic*, c.370 BC

"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost." Aristotle, *Politics*, c.322 BC

"The republican is the only form of government which is not eternally at open or secret war with the rights of mankind." Thomas Jefferson (1743-1826), as quoted in *Franklin Pierce Adams Book of Quotations*, 1952

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## Calling all frustrated writers and publishers...

If you have always wanted to be published, or you have ideas for articles or suggestions regarding what you would like to see in *RAMblin' On...*

please contact Deborah McNabb at:

[deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org)

### Publication Deadlines:

*Ramblin' On* is published in December, March, June and September of each year.

Deadlines for submission of articles are:

December 1, March 1, June 1 and September 1



Do you have an amusing or silly war story to share?

Please help!

I need referee war stories to include in the next issue of *RAMblin' On*. If you have a war story to share, please e-mail it to

[deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org)

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